

House Study Bill 702

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON MERTZ)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing requirements for a nonresident of this state
2 engaged in the aerial application of pesticides, making
3 penalties applicable, and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6073HC 82
6 da/rj/14

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1 1 Section 1. Section 206.6, subsection 1, unnumbered
1 2 paragraph 2, Code 2007, is amended by striking the paragraph.
1 3 Sec. 2. Section 206.6, subsection 5, Code 2007, is amended
1 4 to read as follows:
1 5 5. ISSUE COMMERCIAL APPLICATOR LICENSE. ~~If the~~
1 6 ~~a. The secretary finds the shall approve an application~~
1 7 ~~and issue a commercial applicator license to the applicant as~~
1 8 ~~follows:~~
1 9 ~~(1) The applicant is qualified as found by the secretary~~
1 10 ~~to apply pesticides in the classifications for which the~~
1 11 ~~applicant has applied and if the.~~
1 12 ~~(2) The applicant files the bonds or insurance must~~
1 13 ~~furnish to the department evidence of financial responsibility~~
1 14 ~~as required under section 206.13, and if the.~~
1 15 ~~(3) An applicant applying for a license to engage in~~
1 16 ~~aerial application of pesticides has met must meet all of the~~
1 17 ~~requirements of the federal aviation administration, the~~
1 18 ~~United States department of transportation, and any other~~
1 19 ~~applicable federal or state laws or regulations to operate the~~
1 20 ~~equipment described in the application, the. The secretary~~
1 21 ~~shall adopt by rule, additional requirements for issuing a~~
1 22 ~~license to a person who is a nonresident of this state engaged~~
1 23 ~~in the aerial application of pesticides, which may include but~~
1 24 ~~is not limited to conditions for the operation of the aircraft~~
1 25 ~~and the application of the pesticides under the supervision of~~
1 26 ~~a person who is a resident of this state and licensed as a~~
1 27 ~~commercial applicator under this section or as a pesticide~~
1 28 ~~dealer under section 206.8.~~
1 29 ~~b. The secretary shall issue a commercial applicator~~
1 30 ~~license limited to the classifications for which the applicant~~
1 31 ~~is qualified, which shall expire at the end of the calendar~~
1 32 ~~year of issue unless it has been revoked or suspended prior~~
1 33 ~~thereto by the secretary for cause. The secretary may limit~~
1 34 ~~the license of the applicant to the use of certain pesticides,~~
1 35 ~~or to certain areas, or to certain types of equipment if the~~
2 1 ~~applicant is only so qualified. If a license is not issued as~~
2 2 ~~applied for, the secretary shall inform the applicant in~~
2 3 ~~writing of the reasons.~~
2 4 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
2 5 immediate importance, takes effect upon enactment.
2 6 EXPLANATION
2 7 This bill amends Code section 206.6 which in part requires
2 8 a person who is in the business of applying pesticides to be
2 9 issued a commercial applicator license by the department of
2 10 agriculture and land stewardship, and includes requirements
2 11 for nonresident aerial applicators.
2 12 The bill eliminates special requirements for a person
2 13 licensed as an aerial commercial applicator in another state
2 14 who applies pesticides in this state, including being under
2 15 the direct supervision of an aerial commercial applicator
2 16 licensed in this state. The resident aerial commercial
2 17 licensee is subject to several requirements: (1) being

2 18 jointly liable with the nonresident aerial commercial
2 19 applicator, and (2) immediately notifying the department of
2 20 the commencement and termination of the nonresident's service.
2 21 The bill amends Code section 206.6(5) which regulates all
2 22 commercial applicators, including pesticide aerial
2 23 applicators. The bill provides that the department must adopt
2 24 additional requirements for issuing a license to a person who
2 25 is a nonresident of this state engaged in the aerial
2 26 application of pesticides. The additional requirements may
2 27 include conditions for the operation of the aircraft and the
2 28 application of the pesticides under the supervision of a
2 29 person who is a resident of this state and licensed as a
2 30 commercial applicator or as a pesticide dealer (see Code
2 31 section 206.8).

2 32 Generally, a person who violates a provision of Code
2 33 section 206.6 is guilty of a serious misdemeanor (see Code
2 34 section 206.22). A serious misdemeanor is punishable by
2 35 confinement for no more than one year and a fine of at least
3 1 \$315 but not more than \$1,875. A person may also be subject
3 2 to a civil penalty as determined by the department of up to
3 3 \$500 (see Code section 206.19).

3 4 The bill takes effect upon enactment.

3 5 LSB 6073HC 82
3 6 da/rj/14.1